IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE TWENTY EIGHTH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE SRI JUSTICE N.V. RAMANA

WRIT PETITION NO.926 of 2005

Between:

Uppu Sivaramakrishna S/o Kotaiah
R/o Pedalanka Post, Kolluru Mandal, Guntur District

..... PETITIONER

AND

1 The District Level Committee for Sand, Rep by its Chairman

Zillaparishadan Chairperson,
District level committee, Guntur District
2 The Joint Collector/ Member, District Level Committee for Sand,

Guntur District
3 The District Panchayat Officer, and Member Convenor Divstrict Level

Committee for Sand, Guntur District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed herein the High Court may be pleased to issue an appropriate Writ, order or direction more particularly one in the nature of Writ of Mandamus declaring the action of the respondents in not granting 90 days extension of sand quarry lease as per the undertaking given by the 1st respondent vide letter dt 23-9-2004 as illegal and arbitrary and consequentially direct the respondents to extend 90 days lease period in respect of reach No.5 area between 17.8 km to 34.2 km on the right flood bank of krishna revier near kollipara village, Guntur District.

Counsel for the Petitioner: MR. M.L.ALI

Counsel for the Respondents: GP FOR PANCHAYAT RAJ & RURAL DEV.

The Court, at the admission stage, made the following:

ORDER:

This writ petition is filed seeking to declare the action of the respondents in not granting 90 days extension of sand quarry lease as per the undertaking given by the 1st respondent vide letter dated 23.09.2004, as illegal and arbitrary and consequently to direct the respondents to extend 90 days lease period in respect of reach No.5 area between 17.8 km to 34.2 km on the right flood bank of Krishna River near Kollipara village, Guntur District.

The petitioner claims to be existing operator of Sand quarry in reach No.5 situated between 17.8 km and 34.2 km on the right flood bank of Krishna River near Kollipara village, Guntur District. It is stated that the petitioner was granted one year lease from 21.1.2004 to 20.01.2005 vide proceedings dated 19.01.2004, and by order dated 20.01.2005 the said lease period was extended for a period of 15 days i.e., upto 01.02.2005 since sand quarry operations did not took place from 27.08.2004 to 10.09.2004 due to Krishna Pushkarams. It is stated that because of the orders passed by the Deputy Executive Engineer, Panchayat Raj Sub-Division, Duggirala, Tenali directing to stop sand quarrying works from Kollipara Range to enable to construct a cement road, and on the assurance given by the respondents that the period for which works were stopped would be extended later, the petitioner has stopped the quarrying operations from 25.09.2004 to 24.12.2004 i.e., for a period of 90 days. The grievance of the petitioner is that because of the orders passed by the Deputy Executive Engineer, Panchayat Raj, he was restrained from doing quarrying operations from 25.09,.2004 to 25.12.2004 and therefore he made a representation on 27.12.2004 to the 1st respondent-District Level Committee for Sand seeking extension of lease period for 90 days, but the same is not being considered so far. Hence, he filed the present writ petition.

Heard the learned counsel for petitioner and learned Government Pleader for

Panchayat Raj and Rural Development.

Since the representation of the petitioner dated 27.12.2004 seeking extension of lease period for 90 days in respect of the reach in question is said to be pending consideration before the 1st respondent-District Level Committee for Sand, without going into the merits of the matter, I deem it to appropriate to dispose of the writ petition with a direction to the 1st respondent-District Level Committee for Sand to consider the same and pass appropriate orders thereon in accordance with law, expeditiously, preferably within a period of four weeks from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of at the admission stage. No costs.

N.V. RAMANA, J.

Date: 28.01.2005

Nsr/Mrr

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The District Level Committee for Sand, Rep by its Chairman

Zillaparishadan Chairperson,
District level committee, Guntur District

2 The Joint Collector/ Member, District Level Committee for Sand,

Guntur District

3 The District Panchayat Officer, and Member Convenor Divstrict Level

Committee for Sand, Guntur District

4 Two CCs to GP for Panchayat Raj and Rural Development, High Court

of AP, Hyderabad (OUT)

5 Two CD copies.